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H.R.1332

SPONSOR: [Rep Gallegly](#) , (introduced 03/28/95)

A bill to establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes.

TITLE(S)

STATUS:

- ☐ [FLOOR ACTIONS ONLY](#)
- ☐ [DETAILED LEGISLATIVE HISTORY](#)
- ☐ [CONGRESSIONAL RECORD PAGE REFERENCES](#)

DIGEST

COMMITTEE(S):

- ☐ [REFERRAL, REPORTING, ORIGIN, SUBCOMMITTEE\(S\)](#)
- ☐ [OTHER COMMITTEE INFORMATION](#)

COSPONSOR(S)

AMENDMENT(S)

SUBJECT(S)

FULL TEXT VERSION(S)

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HR 1332 IH
104th CONGRESS
1st Session

To establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 28, 1995

Mr. GALLEGLY (for himself and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes.

[Italic->] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [<-Italic]

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Rongelap Recovery and Community Self-Reliance Act'.

SEC. 2. POLICY REGARDING ASSISTANCE FOR RESETTLEMENT OF PEOPLE OF RONGELAP.

The purposes of this Act are to improve the legal and policy framework for fulfillment of the objectives of section 103(i) of Public Law 99-239 (99 Stat. 1783) and to prescribe the manner in which the Rongelap Resettlement Trust Fund established pursuant to Public Law 102-154 (105 Stat. 1009) shall be administered in order to achieve the goal of early and safe resettlement of the people of Rongelap. The measures set forth in this Act are appropriate and necessary in light of the results of scientific studies on the habitability of Rongelap conducted pursuant to section 103(i) of Public Law 99-239 and are intended to enable the people of Rongelap to exercise greater self-determination and local self-government, and to take control of their own destiny and become more self-reliant, through a resettlement program consistent with the wishes of the Rongelapese people themselves. United States assistance to the people of Rongelap for purposes of resettlement shall be as directed by Congress and will be completed upon determination by Congress that the United States has provided the total of its contribution to the rehabilitation of Rongelap Island and resettlement of the Rongelap people pursuant to section 103(i) of Public Law 99-239 and applicable provisions of Public Law 102-154. All such assistance shall be subject to the financial accountability provisions of this Act and shall be provided within the framework of the government-to-government relationship between the Republic of the Marshall Islands and the United States as defined by the Compact of Free Association Act of 1985.

SEC. 3. RESPONSIBILITIES RELATING TO RONGELAP RESETTLEMENT TRUST FUND.

(a) SECRETARY OF THE INTERIOR-

(1) TRANSFER OF FUNDS TO TRUSTEE OF RONGELAP RESETTLEMENT TRUST FUND- Consistent with the Rongelap Resettlement Trust Fund agreement between the Department of the Interior, the Republic of the Marshall Islands, and the Rongelap Atoll Local Government, dated May 13, 1992, funds appropriated in any fiscal year for the purpose of increasing the corpus of the Rongelap Resettlement Trust Fund shall be transferred by the Secretary of the Interior to the trustee thereof, and the Department of the Interior shall be administratively responsible for effecting all such transfers of funds appropriated for this purpose as required by law.

(2) LIMITATION OF DEPARTMENT OF THE INTERIOR ACTIVITIES TO

THOSE PROVIDED BY TRUST FUND AGREEMENT- The activities of the Department of the Interior with respect to management of the Rongelap Resettlement Trust Fund shall be limited to those provided for in the trust fund agreement referred to in paragraph (1), as it may from time to time be amended.

(b) TRUSTEE-

(1) DUTIES, OBLIGATIONS AND LEGAL RESPONSIBILITIES- The duties, obligations and legal responsibilities of the trustee with respect to the Rongelap Resettlement Trust Fund shall be as set forth in the trust fund agreement referred to in subsection (a)(1), to which the United States, the Republic of the Marshall Islands and the Rongelap Atoll Local Government are parties with legal rights and powers to enforce the terms of the trust as set forth therein, and in applicable law.

(2) DISTRIBUTION OF FUNDS- All funds contributed to the Rongelap Resettlement Trust Fund referred to in subsection (a) of this section shall be distributed by the trustee and used as determined by the Rongelap Atoll Local Government consistent with applicable provisions of this Act, Public Law 102-154, and the resettlement plan submitted to the United States Congress on March 15, 1995, in accordance with Report 103-551 of the House of Representatives, and referred to in Rongelap Atoll Local Government Council Resolution No. 95-20.

(c) AUDITS-

(1) IN GENERAL- In addition, management or use of trust assets shall be subject to the authority of the Comptroller General of the United States to conduct financial audits of all trust transactions and activities, in the same manner as provided in section 110(c) of Public Law 99-239. The Inspector General of the Department of the Interior also shall be authorized to audit the use of Rongelap Resettlement Trust Fund assets.

(2) NOTICE REGARDING USE OF FUNDS OUTSIDE SCOPE OF TRUST- If at any time it is determined by the cognizant audit authority that funds distributed by the trustee to the Rongelap Atoll Local Government have been used for purposes outside the statutory scope of the trust, such audit authority shall, at a time and in a manner which is lawful and does not interfere with any ongoing investigative process, law enforcement activity or other activities or operations required under applicable regulations and procedures, notify the chairman of the Committee on Energy and Natural Resources of the United States Senate, the chairman of the Committee on Resources of the United States House of Representatives, the Republic of the Marshall Islands, the Rongelap Atoll Local Government, and the trustee, of such determination so that the trustee and the parties to the trust agreement may exercise their legal rights and powers, including recovery of such funds.

(d) RETENTION OF UNITED STATES AUTHORITY OVER TRUST FUND- The United States Congress shall retain its authority over the trust fund as set forth in the trust agreement referred to in subsection (a)(1) and applicable statutes, including Public Law 102-154.

SEC. 4. TRUSTEE AND OTHER FUND PERSONNEL.

(a) TRUSTEE QUALIFICATIONS- The trustee of the Rongelap Resettlement Trust Fund shall be a qualified United States financial institution with considerable experience in the administration of similar trusts and which serves as the trustee manager or custodian of over \$1,000,000,000 in assets. If the trustee on the date of enactment of this Act does not meet the qualification criteria, a new trustee which does satisfy these requirements shall in due course be appointed subject to the procedures set forth in the trust fund agreement referred to in section 3(a).

(b) INVESTMENT FUND MANAGERS AND ADVISERS AND CONSULTANTS- Investment fund managers and advisers or consultants designated by the Rongelap Atoll Local Government in accordance with the trust agreement to provide services in connection with management of the Rongelap Resettlement Trust Fund must be registered with the Securities and Exchange Commission and be in compliance with applicable provisions of the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.)

SEC. 5. RESETTLEMENT EXPENDITURES AND ACTIVITIES.

(a) ACTIVITIES- The Rongelap Atoll Local Government shall have the discretion, to the extent determined by the Rongelap Atoll Local Government Council acting within its lawful authority, to include in the resettlement program activities described in the Memorandum of Understanding of February 21, 1992, between the Department of the Interior, Department of Energy, the Republic of the Marshall Islands, and the Rongelap Atoll Local Government.

(b) USE OF ANNUAL INCOME-

(1) IN GENERAL- With respect to each fiscal year following the establishment of the Rongelap Resettlement Trust Fund pursuant to Public Law 102-154, the authority of the Rongelap Atoll Local Government and the trustee, within the statutory scope and purpose of the trust, shall include distribution of up to 50 percent of the annual income (interest and earnings) of the trust fund, but in no year more than \$500,000, increased in accordance with paragraph (2), to provide local government support and programs for the benefit of the people of Rongelap, including funding for food, shelter, medicine, infant care, sanitation, personal hygiene and other basic human needs arising from dislocation and adjustment during resettlement, as well as local government administrative and operations costs and expenses arising directly from or which are directly connected to the resettlement process.

(2) ADJUSTMENT- The amount referred to in paragraph (1) shall be increased annually by the same proportion as the percentage increase in the United States Consumer Price Index For All Urban Consumers (published by the Bureau of Labor Statistics, Department of Labor) for the most recent year preceding the date on which the increase, if any, is calculated.

(c) AVAILABILITY OF ASSISTANCE FOR RESETTLEMENT IN THE MARSHALL ISLANDS OTHER THAN ON RONGELAP-

(1) GOAL OF RESETTLEMENT ON RONGELAP- The Congress supports the goal of enabling the entire Rongelap community to achieve resettlement in accordance with Resolution Number 95-20 adopted by the Rongelap Atoll Local Government Council on March 9, 1995, consistent with the findings of scientific studies conducted pursuant to section 103(i) of Public Law 99-239 which indicate that agreed upon radiation exposure limits can be met at Rongelap Island if certain risk mitigation measures are taken.

(2) RESETTLEMENT ASSISTANCE- (A) To ensure that members of the Rongelap community who do not choose to return to Rongelap in light of these scientific findings are able to end their dislocation and settle somewhere in the Marshall Islands, assistance for construction of family housing and other resettlement assistance may be provided to members of the Rongelap community who elect to settle at a location in the Marshall Islands other than Rongelap Atoll on the same basis as assistance provided for those who elect to return to Rongelap, subject to the authority and discretion of the Rongelap Atoll Local Government to determine the schedule, terms, specifications and scope of such assistance in the context of the overall community resettlement program at Rongelap Atoll, which shall remain the primary objective for management and use of trust fund assets.

(B) Assistance provided pursuant to subparagraph (A) to those who elect to resettle at a place other than Rongelap shall not include measures to be employed or benefits to be provided for those resettling at Rongelap Atoll for the purpose of mitigating risks posed by radiological conditions at Rongelap.

(C) Any Rongelapese person receiving assistance for resettlement at a location other than Rongelap Atoll pursuant to subparagraph (A) shall be ineligible for such assistance for the purposes of resettling again later at Rongelap Atoll. The preceding sentence shall cease to apply once all members of the Rongelap community, as defined and recognized by the Nuclear Claims Tribunal established pursuant to section 177 of the Compact of Free Association (as contained in Public Law 99-239), have received resettlement assistance at Rongelap or assistance on the same basis, except as provided in subparagraph (B), at another location of their choosing.

(3) SCOPE OF TRUST- The assistance activities authorized in this section shall be deemed to be within the scope of the trust notwithstanding any provision of Public Law 102-154 to the contrary.

(d) FOOD IMPORTATION- The trustee of the Rongelap Resettlement Trust Fund shall make no distribution from the corpus of the Trust which as a matter of prudent financial management in the judgment of the trustee would be inconsistent with the objective of ensuring that funds will be available for as long as the trust fund agreement referred to in section 3(a)(1) is in effect for the purpose of providing imported food and locally produced food which meets relevant health and safety standards in amounts sufficient to meet the nutritional needs of the Rongelap community residing at Rongelap Atoll.

SEC. 6. TRANSFER OF UNEXPENDED AND UNOBLIGATED FUNDS.

All funds appropriated pursuant to the authorization contained in section 103(i) of Public Law 99-239 for scientific radiological studies to determine the habitability of Rongelap Island in the Republic of the Marshall Islands, or which have been obligated for use by the 'Rongelap Resettlement Project' to support such studies, which as of the date of enactment of this Act have not been expended shall be transferred to the Rongelap Atoll Local Government and expended only pursuant to a budget approved by the Rongelap Local Government Council and for activities consistent with the purposes for which such funds were appropriated, including scientific research and island rehabilitation measures connected to resettlement of Rongelap.